

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19154 of 2006

Dated: 04-12-2006

Between:

B. Venkat Rao.

..... PETITIONER

AND

The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.19154 of 2006

ORDER:

The petitioner filed instant writ petition seeking a writ of Mandamus directing the respondent, namely, the Mandal Revenue Officer(MRO), Shaikpet Mandal, Hyderabad District, not to interfere with the possession of the land in plot No.175-A/A bearing house No.8-2-293/82/L/175/A situated at Bubilee Hills, Hyderabad.

It is the case of the petitioner that he purchased land to an extent of 600 sq. yards under registered sale deed dated 17-09-1985 from one

C. Subrahmanyam, who purchased the same from Sri Venkateshwara Cooperative House Building Society (the society, for short) in 1984. The petitioner subsequently purchased another land to an extent of 300 sq. yards in survey No.102/1 of Hakimpet Village from the society under registered sale deed dated 25-06-1998. He was statedly in possession of 301 sq. yards, which according to the petitioner forms part of his house accommodation, including the two pieces of land, which he purchased under registered sale deeds. He alleges that the respondent is now trying to dispossess him from an extent of land admeasuring 301 sq. yards. Therefore, instant writ petition is filed.

At the stage of admission itself, the respondent filed a counter-affidavit. Pressing the history of the land, which was allotted to the society, which developed the land, prepared a lay out, which was approved, and allotted the land as plots to its members, MRO specifically denied the allegation that the petitioner purchased the land admeasuring 900 sq. yards under registered sale deeds. MRO alleges that the land admeasuring over and above 900 sq. yards is Government land and therefore, when the petitioner was making construction, necessary steps were taken to prevent such construction on the Government land.

The learned Assistant Government Pleader for Revenue (General-T) opposed the writ petition contending that the petitioner is not in possession of 301 sq. yards belonging to the Government and therefore, the allegation that MRO tried to interfere with the possession of the petitioner is denied. The respondent filed counter-affidavit on 30-11-2006. Even before that on 09-11-2006, the petitioner filed a letter/endorsement bearing No.11/6703/2005 dated Nil, February, 2006, of the Collector, by filing an application, being W.P.M.P.No.29906 of 2006 seeking leave of this Court to file such

document. The said document to which the attention of the Court is invited shows that MRO by letter dated 02-09-2005 sent a report to the District Collector to the effect that the petitioner is in possession of 301 sq. yards belonging to the Government. Attention of this Court is also invited to the order passed by this Court in W.P.No.13511 of 2005 dated 16-03-2006, wherein this Court disposed of similar matters directing the respondents not to demolish the structures without identifying the excess area which is in the occupation of the allottees of the society.

After considering the rival submissions and perusing the material placed before this Court, this Court is of the considered opinion that the writ petition can be disposed of following the order of this Court in W.P.No.13511 of 2005 dated 16-03-2006 and further observing that the petitioner shall not raise constructions on the land admeasuring 301 sq. yards which is Government land. The petitioner shall also take necessary steps to fence this land as separate piece so that there will not be further encroachments. It shall be open to MRO to initiate appropriate action for eviction in accordance with law.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

04th December, 2006
ghn